IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

     Respondent,   No. CR S-96-0190 JAM GGH P

     vs.

JAMES ROY BARRON,

     Movant.   ORDER

_____/

Movant, a federal prisoner proceeding pro se, has filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On December 1, 2004, and on November 14, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty days.[1] Movant has filed objections to the findings and recommendations to which

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[1] By stipulated Order, filed on December 17, 2004, the twenty-day extension of time to file objections to the December 1, 2004, Findings and Recommendations as to Claims 3-6 was modified, and the parties were granted the right to file objections thereto upon resolution of Claims 1-2. By Order filed on November 29, 2006, movant was granted a six-week extension of time to file objections to the November 14, 2006, Findings and Recommendations as to Claims 1-2.

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1   respondent has filed a reply.

2   In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-

3   304, this court has conducted a <u>de novo</u> review of this case. Having carefully reviewed the entire

4   file, the court finds the findings and recommendations to be supported by the record and by

5   proper analysis.

6   Accordingly, IT IS HEREBY ORDERED that:

7   1. The findings and recommendations filed December 1, 2004, and on November

8   14, 2006, are adopted in full;

9   2. The § 2255 motion is denied as to all claims: claims 3, 4, 5, and 6 are denied as

10   procedurally barred, and claims 1 and 2 are denied following an evidentiary hearing.

11   DATED: October 23, 2008

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13   /s/ John A. Mendez
                                            UNITED STATES DISTRICT JUDGE

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